

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

IN RE: POTASH ANTITRUST LITIGATION  
(II)

THIS DOCUMENT APPLIES TO:

DIRECT PURCHASER ACTIONS

MDL Docket No. 1996

CASE NO. 08-cv-6910  
(Consolidated with 08-cv-5635)

Judge Castillo

**DECLARATION OF HEATHER N. POTTEIGER**

I, Heather N. Potteiger, hereby declare as follows:

1. I am a paralegal at the law firm Lockridge Grindal Nauen P.L.L.P., located at 100 Washington Avenue South, Suite 2200, Minneapolis, Minnesota 55401. I have personal knowledge of each of the facts stated herein.

2. I coordinated the facsimile and email of the Direct Purchaser Plaintiffs service of process in accordance with this Court's Order Granting Plaintiffs' Motion to Allow Alternative Service on JSC Uralkali ("Uralkali"), JSC Silvinit ("Silvinit") and JSC International Potash Company ("IPC") (collectively the "Russian Defendants") pursuant to Federal Rule of Civil Procedure 4(f)(3) in *In re Potash Antitrust Litigation (II)*.

3. For each Defendant, Plaintiffs faxed and emailed a "Service Packet." The Service Packets contained English and Russian translations of the following: a cover letter briefly explaining the case and the alternative service, this Court's Order granting Plaintiffs' Motion to Allow Alternative Service (Doc. 64), a Summons, the Direct Purchaser Consolidated Class Action Complaint (Doc. 60, Case No. 08-cv-05192), and the Direct Purchaser Amended

Consolidated Class Action Complaint (Doc. 51). See Exhibits 1 (Uralkali), 5 (Silvinit), and 10 (IPC).

**JSC URALKALI**

4. On May 27, 2009, Plaintiffs faxed Defendant JSC Uralkali the Service Packet at fax number 7-495-730-2393 found on Uralkali's website. Thirty pages were transmitted successfully, but the remainder came back with a "NG error (Poor Line Condition)." Plaintiffs attempted to fax the Service Packet six more times to this number that day.

5. As a result, Plaintiffs contacted third party Merrill Corporation to attempt service to the Uralkali fax number of 7-495-730-2393. On June 2, 2009, Plaintiffs emailed documents to a Merrill Corporation employee for printing and faxing with a supplied fax cover sheet for number 7-495-730-2393 and was successful. Merrill Corporation faxed the Service Packet to Uralkali in approximately thirty page increments. See Exhibit 2.

6. For email service of Uralkali, on May 27, 2009, Plaintiffs emailed the Service Packet to [uralkali@uralkali.com](mailto:uralkali@uralkali.com) – an address found on Uralkali's website. The initial email was unsuccessful. Plaintiffs attempted another email dividing the Service Packet attachments in increments less than 5MB, thinking Uralkali could not accept emails over 5MB. This attempt was also unsuccessful.

7. On June 2, 2009, Plaintiffs successfully emailed the Service Packet to [ir@msc.uralkali.com](mailto:ir@msc.uralkali.com). See Exhibit 3. The email address of [ir@msc.uralkali.com](mailto:ir@msc.uralkali.com) is for Anna Batarina, CFA, Vice President for Investor Relations and listed on Uralkali's website, <http://www.uralkali.com/eng/investors/contacts/>.

8. On June 3, 2009, Plaintiffs served Uralkali's agent for United States potash sales, BPC Chicago, LLC using a process server. See Exhibit 4.

9. On June 2, 2009, Craig Davis, an attorney with our firm, personally delivered the Service Packet to Uralkali's counsel, Dewey & LeBoeuf LLP, located at 1301 Avenue of the Americas, New York, NY 10019.

**JSC SILVINIT**

10. On May 27, 2009, Plaintiffs faxed the Service Packet to Silvinit at fax number 7-342-535-1506. Seventy pages were sent successfully. See Exhibit 6. The following day, the remaining pages were faxed successfully to the same fax number. *Id.* These two faxes of the Service Packet contained a Summons for Silvinit with an address used for service under the Hague Convention on the IPC Representative Office in Belarus.

11. On May 27, 2009, Plaintiffs successfully emailed the Service Packet to [post@silvinit.ru](mailto:post@silvinit.ru) - an address found on Silvinit's website. See Exhibit 7. This email of the Service Packet contained a Summons for Silvinit with an address used for service under the Hague Convention on the IPC Representative Office in Belarus.

12. On June 1, 2009, Plaintiffs supplemented their service to Silvinit with a fax and email attaching the English and Russian translations of a revised summons with Silvinit's Russian address and an explanatory cover letter to the same contact information as explained above. See Exhibits 8 and 9.

**JSC IPC**

13. On May 27, 2009, Plaintiffs faxed IPC the Service Packet to number 7-495-258-6172. See Exhibit 11. This fax of the Service Packet contained a Summons for IPC with an address used for service under the Hague Convention on the IPC Representative Office in Belarus.

14. On May 27, 2009, Plaintiffs successfully emailed the Service Packet to [ipc@ipcmos.com](mailto:ipc@ipcmos.com) - an address found on IPC's website. See Exhibit 12. This email of the

Service Packet contained a Summons for IPC with an address used for service under the Hague Convention on the IPC Representative Office in Belarus.

15. On June 1, 2009, Plaintiffs supplemented their service to IPC with a fax and email attaching the English and Russian translations of a revised summons with IPC'S Russian address and an explanatory cover letter to the same contact information explained above. See Exhibits 13 and 14.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated August 17, 2009

s/Heather N. Potteiger

Heather N. Potteiger

**LIST OF EXHIBITS ATTACHED TO  
DECLARATION OF HEATHER N. POTTEIGER**

<b>EXHIBIT NO.</b>	<b>DESCRIPTION</b>
1	JSC Uralkali's "Service Packet" containing Russian translations and English of the following: Cover letter from W. Joseph Bruckner and Jonathan Watkins dated May 27, 2009; Order granting Plaintiffs' Motion to Allow Alternative Service dated April 23, 2009; Summons dated May 12, 2009; Direct Purchaser Amended Consolidated Class Action Complaint dated April 3, 2009; and Direct Purchaser Consolidated Class Action Complaint dated November 13, 2008
2	Merrill Corporation's fax confirmations transmitting the Service Packet to JSC Uralkali on June 2, 2009
3	Lockridge Grindal Nauen P.L.L.P. ("LGN") email transmitting the Service Packet to JSC Uralkali on June 2, 2009
4	Process server Paul Swearingen's cover letter and Affidavit of Service regarding service of the Service Packet to BPC Chicago L.L.C. on June 3, 2009
5	JSC Silvinit's "Service Packet" containing Russian translations and English of the following: Cover letter from W. Joseph Bruckner and Jonathan Watkins dated May 27, 2009; Order granting Plaintiffs' Motion to Allow Alternative Service dated April 23, 2009; Summons dated May 12, 2009; Direct Purchaser Amended Consolidated Class Action Complaint dated April 3, 2009; and Direct Purchaser Consolidated Class Action Complaint dated November 13, 2008
6	LGN's fax confirmations transmitting the Service Packet to JSC Silvinit on May 27, 2009
7	LGN's email transmitting the Service Packet to JSC Silvinit on May 27, 2009
8	LGN's fax confirmations transmitting Russian translations and English of the cover letter and revised summons to JSC Silvinit on June 1, 2009
9	LGN's email transmitting Russian translations and English of the cover letter and revised summons to JSC Silvinit on June 1, 2009
10	JSC IPC's "Service Packet" containing Russian translations and English of the following: Cover letter from W. Joseph Bruckner and Jonathan Watkins dated May 27, 2009; Order granting Plaintiffs'

<b>EXHIBIT NO.</b>	<b>DESCRIPTION</b>
	Motion to Allow Alternative Service dated April 23, 2009; Summons dated May 12, 2009; Direct Purchaser Amended Consolidated Class Action Complaint dated April 3, 2009; and Direct Purchaser Consolidated Class Action Complaint dated November 13, 2008
11	LGN's fax confirmations transmitting the Service Packet to JSC IPC on May 27, 2009
12	LGN's email transmitting the Service Packet to JSC IPC on May 27, 2009
13	LGN's fax confirmations transmitting Russian translations and English of the cover letter and revised summons to JSC IPC on June 1, 2009
14	LGN's email transmitting Russian translations and English of the cover letter and revised summons to JSC IPC on June 1, 2009